

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

Jose Guadalupe Lerma Castellanos
TDCJ-CID No. 598177,
Petitioner,

v.

Douglas Dretke, Director, Texas
Department of Criminal Justice,
Correctional Institutions Division,
Respondent.

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C.A. NO. C-05-442

**MEMORANDUM OPINION AND ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

On April 21, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 12). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, defendant's motion for summary judgment (D.E. 12) is granted. Petitioner's certificate of appealability is denied.

ORDERED this 1 day of June, 2006.


HAYDEN HEAD
CHIEF JUDGE